

LEVENSON LAW GROUP

625 W 51ST STREET
NEW YORK, NY 10019

Tel: 347-352-2470

Counselors At Law

E-mail: LevensonLawGroup@gmail.com

February 13, 2023

VIA E-FILING AND EMAIL ONLY

The Honorable Sean H. Lane
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
Room 147
White Plains, NY 10601
Email: shl.orders@nysb.uscourts.gov

Re: Nat Wasserstein, Trustee of the WB Bridge Creditor Trust v. Sub Enterprises, Inc.
Adversary Proceeding # 22-07054 - shl

Dear Judge Lane,

This firm represents the Defendant, Sub Enterprises, Inc., in the referenced matter. The purpose of this letter is to inform Your Honor that it did not come to our attention that a Complaint had even been filed in this case against our Client until Friday, February 10th, 2023 when an employee of our office happened to see it while searching for a filing related to the underlying Bankruptcy filing for the Debtor, WB Bridge Hotel.

The reason for this is likely because the Index or Case Number on the Complaint is different from the case we are already a party to and in which Sub Enterprises, Inc, is already a Secured Creditor. In fact, the Complaint does not even have the proper filing number - 22-07054 on it. It has the following numbers instead: Case No.: 20-23288 (RDD) and Case No.: 20-23289 (RDD). A simple PACER search of the preceding cases does not bring up this filing under those Case numbers. We are also having difficulties receiving our Electronic Filing Notifications from PACER.

We have a meritorious defense in this case, in that we can prove that no payments were ever submitted to our Client under the Declaration. My office was already preparing an Answer to this Complaint even over this past weekend, after discovering the Complaint, when we also discovered that the Plaintiff had Requested of the Clerk an Entry of Default on February 9, 2023, and such was entered today, February 13, 2023. We never received any Summons in this case. And we never received any ECF notification about the Complaint filing, the Request for Entry of

Default, nor of the Entry of Default. We are trying to fix all of these problems and request the Court's understanding that this lapse was unavoidable and in no way intentional.

Therefore, by way of this letter, Defendant respectfully requests of and moves this Court to vacate the entry of default, and further to allow Defendant seven days - up through and including Monday, February 20th, 2023, within which to file an Answer and any Counterclaims in this matter.

We thank you for the Court's kind consideration of this matter.

Respectfully Submitted,

By: s/ Scott C. Levenson

Scott C. Levenson, Esq.

Attorney for Defendant

625 West 51 Street

New York, NY 10019

(347) 352-2470

levensonlawgroup@gmail.com